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AN
EXAMINATION
OF A *Friendly Inquiry*
BOOK,

Lately printed by the
QUAKERS,
And by them distributed to the
MEMBERS of both Houses of
PARLIAMENT;

INTITULED,
A Brief Account of many of the Prosecutions
of the People called QUAKERS, in the *Ex-
chequer, Ecclesiastical*, and other Courts; for
Demands recoverable by the *Acts* made in
the 7th and 8th Years of the Reign of King
William III. for the more easy Recovery of
Tythes, Church-rates, &c.

So far as the CLERGY of the Diocese
of LICHFIELD and COVENTRY
are concerned in it.

L O N D O N :

Printed for J. ROBERTS near the *Oxford-Arms*
in *Warwick-Lane.* MDCCXXXIX.

(Price One Shilling.)

T H E I N T R O D U C T I O N.

IT is well known that the People called *Quakers* have not long ago laid heavy Imputations on the Parochial Clergy of our National Church for the last forty years.

The Charge is, that they have carried on many vexatious and oppressive Suits of Law, for the Recovery of their respective Dues and Rights, in the Ecclesiastical, Exchequer, and other Courts of Law, whereas they might (as the said *Quakers* pretend) have recovered them with much less Expence and Trouble of the *Quakers*, by application to the neighbouring Justices of the Peace.

Now such repeated Vexation and Oppression being Crimes of an heinous Nature, it may reasonably be expected, that the Clergy, if innocent, should vindicate themselves from the Aspersions cast upon them, and not implicitly submit to Charges so very invidious, nor sit down (as it would be interpreted by the World) with a conscious Silence.

Indeed the *Quaker*-Accusations of the Clergy have been so thoroughly examined and effectually confuted, with regard to the Prosecutions complained of in one Diocese, namely, that of *London*, that sufficient encouragement has been

given to enquire into the Facts charged on the Clergy of other Dioceses. How disingenuously, and in several Cases how falsely, the Facts relating to Prosecutions of the *Quakers* in the Diocese of *Lichfield* and *Coventry*, have been represented by them, may securely be left to the Determination of every Impartial Reader of the following Examination : From perusing which, and making a proper Judgment accordingly, I shall no longer detain him, than to assure him, that nothing but a firm persuasion of the Innocency of the Clergy, and of the Strictness of the Connection between a Vindication of the Honour of the Clergy and that of Religion, joined with a sincere Affection for both of them, could have prevailed with me to be at the Trouble of examining the late *Account* of *Quaker*-Prosecutions, so far as it concerns the Diocese of *Lichfield* and *Coventry*. An Account, full of Ambiguities and Errors, with regard to the Names of Incumbents, Livings, Dues, and different Dioceses; and I may justly add, that abounds with such Equivocations as ill-become a People pretending to the greatest Simplicity.

Another Motive concurs with those now assigned for the Publication of the following Papers, namely, that there is good Reason to believe another Attempt will one day be made in Parliament by the *Quakers* upon the Rights of the Parochial Clergy, I mean, the Liberty they enjoy in common with all other *English* Subjects of defending their Rights in any of the King's

Courts of Justice. For the Prevention of any Advantages that in Case of such an Attempt may possibly be derived from a Neglect of the *Quaker*-Prosecutions, as offered by that Sect to the Publick, which probably may be considered by some sort of Adversaries as unanswerable, if not actually answered ; and likewise in Support of the Reputation and Interest of the Clergy, that are deeply affected in the present Case ; I thought it my Duty not to defer any longer a Vindication of the Clergy of the Diocese of *Lichfield* and *Coventry*, by setting the Facts that have been publickly alledged by the *Quakers* in a true Light.

And since the *Quakers* have already published (besides the Account of their Prosecutions for the last forty Years, Part of which is here examined) one Volume of the *Secret History* of their Sufferings, from the very Rise of their Sect, viz, from 1650 to 1660, and (as is generally thought) design to publish a Continuation of that long-suppressed, and therefore suspected, History, down to the 7th and 8th of King *William* ; and likewise since, agreeably to the said published Specimen of their History, more Reflections on the Parochial Clergy may be justly expected during so long a Period of Time, I think it not improper to anticipate, in some measure, the Publication of their entire History, and to prepare the World for such a Reception of it as most probably it will deserve, by laying before the Publick the following Proof
of

of the little Credit that is due both to the published and the unpublished History of their Sect. It is a Narrative, taken out of the *Life of Mr. John Pennyman*, 2d Edition, 1703; a Person that had been deceived by the High Pretensions of the Leading *Quakers* for some time, but was afterwards undeceived himself, and laboured much in the remaining Part of his Life to undeceive others. These are his Words at P. 8th, 9th, and 10th. In the Years 1661 and 1662, there happened to be great Differences amongst Them [viz. the *Quakers*] about outward Affairs: One material thing was, that the *Books that were given to the Parliament* touching their *Sufferings*, wherein they frequently printed many false Relations; which when He [viz. *John Pennyman*,] *John Osgood, William Pennington, William Goswell, Michael Stancliffe, Nicholas Bond*, and divers others had full Information thereof, and being greatly troubled thereat, acquainted the Men's Meeting about outward Affairs therewith, telling them what a sad thing it was (especially for such that pretended to be guided by the same *Spirit* the Penmen of the Scripture were) to print and publish so many *Lyes* as had been done. This caused very great Debates for several Weeks together, for it seems it reflected upon *George Fox*, the Orderer of these Matters, and upon one *Ellis Hooks*, that was his Writer, and Clerk to the said Meeting, who upon Examination they all said was

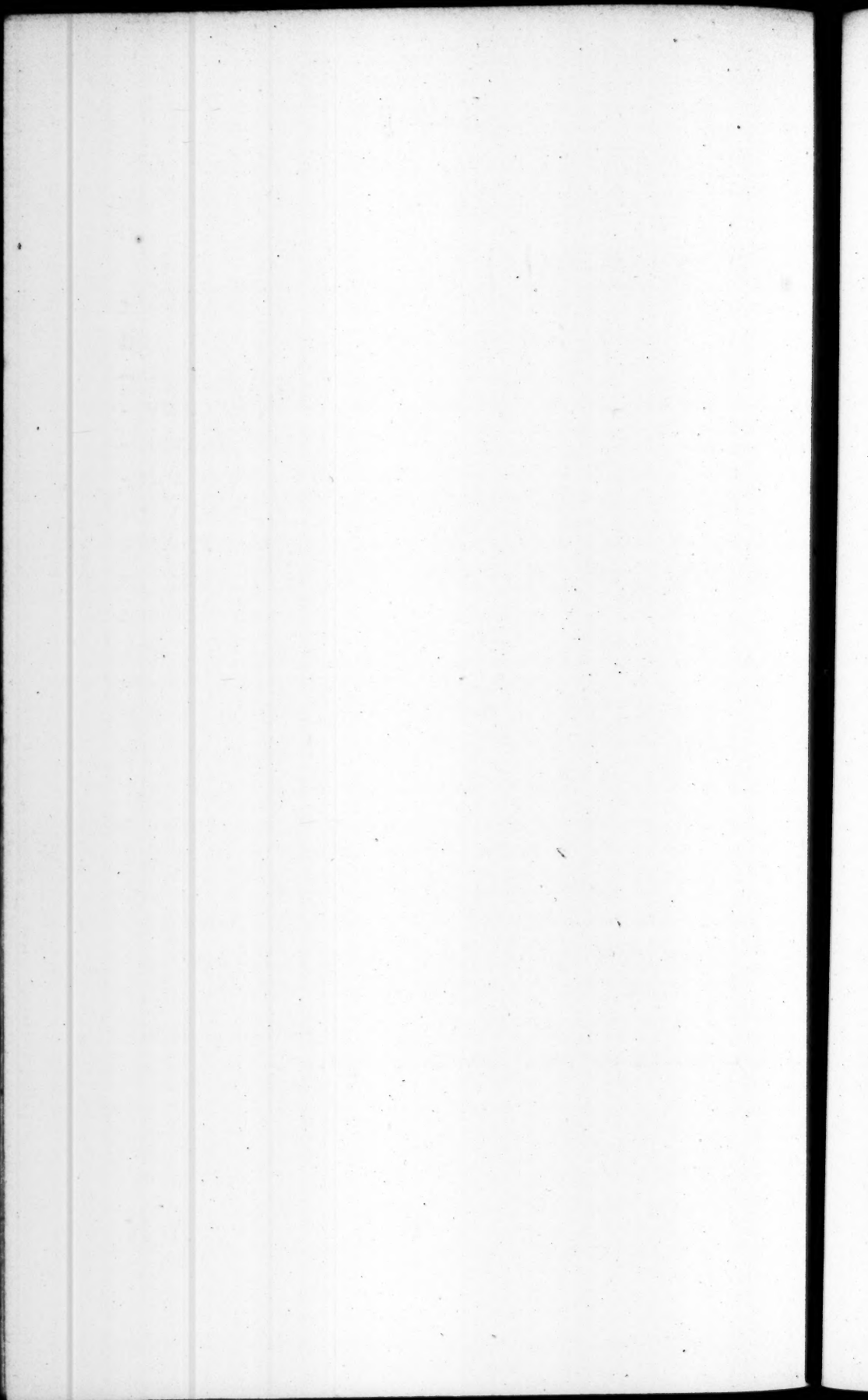
“ neither

“ neither fit nor capable of writing and print-
 “ ing the *Sufferings* *so exactly and truly* as they
 “ ought to be done; this was acknowledged by
 “ every one present, who thereupon agreed to
 “ have another that might be more fit to un-
 “ dertake that Business; and whilst the Persons
 “ abovesaid were consulting about it, an antient
 “ *Quaker*, and zealous for *G. Fox*, told them,
 “ that *He being the first Promoter and Manager*
 “ *of the Friends Sufferings, they ought not to be*
 “ *taken out of his hands, &c.* And notwith-
 “ standing the Men’s Meeting paid *Ellis Hooks*
 “ his Salary, and who had declared him to be
 “ incapable as above, yet *G. Fox* (with the
 “ Concurrence of *Gilbert Layty* and *Gerrard*
 “ *Roberts*, two Preachers, and one *Amor Stod-*
 “ *dert*, three of the ancientest and principal
 “ Leading *Quakers*, and great Admirers of
 “ *G. Fox*) kept him still in the same Employ-
 “ ment, to the great Dissatisfaction of all the
 “ said Meeting (excepting those three mention-
 “ ed) who seeing the Business (which they had
 “ taken a great deal of Care and Pains to recti-
 “ fy) ending thus, and that things were come
 “ to that pass, that *G. Fox’s Honour and Will*
 “ must be preferred before the *Truth*, made
 “ *Mr. Pennyman* break forth in these words;
 “ *I have not forsaken my Kindred, my Acquain-*
 “ *tance, the Glory of this World, for Truth and*
 “ *Righteousness-sake, to come and uphold Iniquity*
 “ *amongst ourselves;* and so departed, intending
 “ never to go more; and to that End had writ-
 “ ten

“ ten a Letter to signify the Reason of his with-
 “ drawing ; but *John Osgood*, his other intimate
 “ and Bosom-friend, who was (with some others
 “ as much dissatisfied as himself) advising him
 “ not to send it, but to continue his frequenting
 “ the said Meetings, the which he consented
 “ to ; and *afterwards he saw many more such like*
 “ *Practices*, which added great Grief and
 “ Wounding to his Soul, and which caused him
 “ (with several other dissatisfied Persons, *viz.*
 “ *J. O. M. S. W. P. W. G. &c.* abovementioned) to retire into the *Woods* near *Hangers-*
 “ *Green*, about three or four Miles from *Lon-*
 “ *don*, and there lamented and bemoaned the
 “ said Degeneracy of many of the *Leaders* of
 “ their People, who, though they preached and
 “ exhorted every one to be faithful to the Truth
 “ that was manifested to them, yet contrary
 “ thereto did themselves give up their Under-
 “ standings and Judgments to *G. Fox*, as in the
 “ *Business about Sufferings*, and also in many
 “ others that might be named, and that not on-
 “ ly in relation to outward Concerns, but also
 “ to those that were more spiritual and super-
 “ natural : which being largely treated on by
 “ *William Rogers*, Merchant, and an eminent
 “ Person of their own Society, in eight several
 “ Tracts, stiled, *The Christian Quaker distin-*
 “ *guished from the Apostate and Innovator* ; and
 “ in their *Answers* to him, they are so far from
 “ denying the said Practice, that *they own and*
 “ *justify the same* : See *An Epistle of Caution*,

“ p. 3. Printed 1681, and *Their Answer, &c.*
 “ by S. Taylor, p. 12, 13. Printed 1682. So
 “ that it is needless to insert any thing here up-
 “ on that subject.”

After so authentick an Account of the Want of Truth and Sincerity in the Compilers of the History of the *Quakers Sufferings*, it is superfluous to add any Reflections upon it, since every intelligent and honest Reader must unavoidably be so shocked as to draw the proper Inference from the foregoing Narrative, both with regard to the *Secret History* of the *Quakers Sufferings*, and the *Account* of their Prosecutions by the Clergy that is now under our immediate Consideration. And this Key of their more ancient History from Mr. *Pennyman*, in Concurrency with the following Examination of the Facts reported by them, with relation to the Diocese of *Lichfield* and *Coventry*, that are nearer to our own Times, and therefore capable of being more accurately enquired into, will I hope contribute to satisfy the rest of the World how little Reason there is to imagine that any *future* Attempt of the *Quakers* can have any Influence on the Legislature in conferring new Favours upon them, and much less such as are injurious to the National Clergy.



(II)

A N
E X A M I N A T I O N
O F A
B O O K,

Lately printed by the

Q U A K E R S;

I N T I T U L E D,

A *Brief Account*, &c, so far as the CLERGY
of the Diocese of LICHFIELD and COVEN-
TRY are concerned in it.

DERBYSHIRE.

The QUAKER's Charge.

1711. *JOHN Freeth and Joseph Freeth,*
both of *Chesterfield*, were prosecuted
for *Tythes*, at the Suit of *Richard Milner* and *John Woodward* Tythe-Farmers.

John and Joseph Freeth were taken up by
an Attachment and committed to the common
Goal at *Chesterfield* on the 13th of *October*,
1711.

The INCUMBENT's Discharge.

I find that *John Freeth* and *Joseph Freeth* (called *Quakers*) were in the time of Mr. *Higgs's* Incumbency [for in 1711 he was Vicar of *Chesterfield*] prosecuted by *Richard Milner* and *John Woodward* (Farmers of the Tythes within *Newbold* and *Dunstan-Hamletts*, within the Parish of *Chesterfield*,) for Non-Payment of their respective great Tythes; and persisting in their Obstinacy, were, by the said *Milner* and *Woodward*, or by one *Thomas Milner* who married *Woodward's* Daughter, committed to the common Goal at *Chesterfield*, and very probably at the time in the Libel mentioned. So that the Charge seems to be true as to matter of Fact; but if there was any thing criminal in the Prosecution, it can by no means lye at the Incumbent's Door; because the Vicars of *Chesterfield* have no Right or Claim to such great Tythes, those being lodged in the Dean of *Lincoln* as Impropiator for the time being; and the said *Richard Milner* and *John Woodward* (or *Thomas Milner* his Son-in-Law) in the Libel mentioned, appear to be then *Under-tenants* to one Mr. *Smith*, who was *Principal* in the Lease under the Dean of *Lincoln*.

I have, I believe, the greatest Number of those People, and am the greatest loser by them, of any Clergyman in this County; and know not how to find Redress, unless I take very ri-

gorous Methods; the Justices of Peace cannot help me where the thing is of a great many years standing.

Sept. 6. 1737. THOMAS HINCKESMAN,
Vicar of *Chesterfield*.

Wirksworth and *Chesterfield* I can answer my self for at least twenty, and almost thirty years, that in the former there are very few of that Denomination, [*viz.* of the *Quakers*,] and I verily believe not any Prosecution for at least thirty Years: And in the latter, as there are pretty many of those refractory People, so we are forced to distrain upon all our People for Ecclesiastical Dues, unless some of them will sometimes permit a Neighbour to lay them down for them.

Our Method of proceeding against them has been *generally* by the Warrants of the Magistrates within our Corporation, or those of the Justices of the Peace for the County without.

I never knew any *Quaker* imprisoned, *viz.* for Tythes, in any Parish where I have been concerned.

The *Quakers* about *Little Chester* and *Codner* I am told have paid their Tythes pretty readily to the Impropiators, but not so hereabouts, nor can we yet find any Difference in their Disposition for the better.

Sept. 27. 1737. THOMAS HINCKESMAN,
Vicar of *Chesterfield*.
The

The QUAKER's Charge.

1711. *William Hancock* of *Cuttborpe* was prosecuted in the Exchequer, at the Suit of *Richard Milner* and *John Woodward Tythe-Farmers*.

1712. *William Hancock* aforesaid was prosecuted in the Common-Pleas, at the Suit of the same Tythe-Farmers.

William Hancock was taken up by an Attachment out of the Exchequer, and committed to the common Goal at *Chesterfield* on the 13th of *October* 1711, and continued Prisoner till the 25th of the Month called *March* 1712, and was then set at Liberty by the Prosecutor's Order, who dropt his Suit in the Exchequer; and soon after proceeded against him in the Common-Pleas for treble Damages, got an Execution, and for an original Demand of 16 s. 9 d. for six years, made a Seizure of his Household Goods, and a Cow, to the Value of twenty Pounds, leaving him nothing of Value for the use of his Wife and Children.

The INCUMBENT's Discharge.

In answer to the *Quaker's* Charge about the Prosecution of *William Hancock* of *Cuttborpe*, I find upon Enquiry that there was such a Person residing there, who had his Goods distrained on, and I believe by the Tythe-Farmers specified

cified in the Charge, who both lived in a Hamlet of *Chesterfield*, and sued the said *Hancock* for Dues, &c. belonging to *Newbold* without the Parish of *Chesterfield*, though he resided and dwelt at *Cutthorpe* within this Parish; [*viz. Brampton*] but the Minister of *Brampton* was nothing at all concerned in it, he being only entitled to a small a Moiety of the white Tythe, *viz.* Wool and Lamb-skin, in the Parish of *Brampton*; for the Great Tythes are paid to four Lay-persons who rent the whole of Mr. *Smith* of *Gloucestershire*, who farms the whole Rectory of *Chesterfield* of the Dean of *Lincoln*. So that nothing of the Charge relates to us at *Brampton*. For I cannot, after a strict Enquiry, learn that any of my Predecessors, Incumbents upon this Place, ever gave any Cause for Complaint upon this Occasion. And I am sure, as to my own Particular, that for twenty four Years, all the Time of my Residence here, I have never given them the least Disturbance, but have tamely persisted in forbearing to recover my poor Dues from that obstinate People, notwithstanding my low Circumstances (a numerous Family and *curta supellex*) have sometimes hurried me on to take a legal Remedy. I have demeaned myself hitherto with Moderation and Lenity, but Old age and Poverty approaching make me in some measure now and then uneasy.

Octob. 5. 1737.

SETH ELLIS,
Minister of *Brampton*.
In

It appears from Mr. *Thomson's* Extract of the Exchequer, that no Bill was filed there against *William Hancock*.

And it is so far from being true, that an Action not filed in the Exchequer can be removed from thence into the Common-Pleas, that if an Action had been filed in the Exchequer, it could not be removed into the Common-Pleas.

From Mr. Watson, Keeper of the Records of the Common-Pleas.

STAFFORDSHIRE.

The QUAKER's Charge.

1700. *Thomas Shipley* of *Loxley* was prosecuted in the Ecclesiastical Court for Tythes, at the Suit of *Starling Wood*, Tythe-farmer.

Thomas Shipley, for a Demand of about 15 s. for Tythe of Oats, was imprisoned at *Stafford*, on a *Significavit* out of the Ecclesiastical Court.

The INCUMBENT's Discharge.

I have sent you the best Account I can get of the *Quaker's* Case in this Parish, [of which *Loxley* is part] who was prosecuted in the Ecclesiastical Court for Tythes in the Year 1700. Mr. *Starting* [not *Starling*] *Wood*, then Tythe-farmer, has been dead many Years, but the *Quaker*, *Thomas Shipley*, who was prosecuted
at

at his Suit, is still living in this Town. A few Days since I accidentally met with him, and he informed me that for Substraction of Tythes in 1700, he was prosecuted by Mr. *Starting Wood* Tythe-Farmer, and sent to *Stafford*; but as he had at that Time several Landlords, they soon satisfied the Prosecutor's Demands, and he was set at Liberty. In 1704, he was cited into the Ecclesiastical Court, at the Suit of Mr. *Richard Jackson*, then Vicar of this Parish, for refusing to pay his small Tythes and *Easter-Offerings*; and contemning the Jurisdiction of the Court, a *Significavit* (which is now in my Hands) was issued out against him, and he was again sent to *Stafford*, by a Warrant from a Justice of the Peace; he says he was not long there, the Money being paid as before by his Landlords, and that he never was confined in the County-Goal, but was allowed by the Keeper of the Prison to live and walk in what Part of the Town he pleased. This Account of *Thomas Shipley's* Case is confirmed by many credible Persons in this Parish, and I believe he is the only *Quaker* in it, who was ever prosecuted on the like Occasion. He has long since forsaken his Employment as an Husbandman; and I have never had Occasion to make any Demand for Tythes upon him. Though we have near a thousand Houses, we have only two Families who are *Quakers* in this Parish, and they pay
C their

their Dues without any Scruple. The Dean and Chapter of *Windſor* are the Impropriators here; and Mr. *Starting Wood*, the Proſecutor of *Thomas Shipley*, was their Tythe-Farmer, [that is, had a Leaſe of the Tythes from them] and never had any Concern with the Incumbent, who has no Share in the Tythe of Corn.

Auguſt 22. 1737. HENRY COTTON,
Minifter of *Uttoxiter*.

Extracſt from the Registry of Lichfield.

I have ſearched our Office and Court-Books for the Proceedings in the Cauſe againſt *Shipley* (a *Quaker*) of *Loxley*, but without Succceſs, and can neither find the leaſt Entry of any ſuch Cauſe, nor ſo much as a Citation extracted; ſo that it muſt be taken for granted, that the *Quakers* are wrong in their Relation of that Faſt, as I found them ſo in an Inſtance or two, which I had Orders to look into in the Dean and Chapter's Registry here.

EDWARD SHORT, Chapter-Clerk.

The QUAKER'S Charge.

1703. *John Gratton*, Widow *Botham*, and *John Blower* of *Leek*, were proſecuted in the Eccleſiaſtical

Ecclesiastical Court for *Easter-Reckonings*, at the Suit of *Thomas Walthall* Vicar of *Leek*.

The Vicar in his Libel against *Gratton*, *Botham*, and *Blower*, made a Claim of Smoke-Penny, *viz.* for every Messuage of 20 *l.* or upwards, 1 *l.* For every unmarried Person putting up Smoke, below Stairs or above, 7 *d.* For every married Person putting up Smoke, 9 *d.* And if two or three different Persons or Families, under the same Roof, put up each of them a several distinct Smoke, 7 *d.* a Piece. And for every Boarder or Tabler within the said Parish, 2 *d.* a Piece to be paid to the Parson. But the Proceedings of the Ecclesiastical Court were put a Stop to by a Prohibition granted out of one of the Courts of *Westminster*.

1707. *John Blower* of *Leek* was prosecuted in the Ecclesiastical Court for *Easter-Reckonings*, at the Suit of *Thomas Walthall* Vicar of *Leek*. *John Blower* was committed to *Stafford-Goal* by a Writ *de Excommunicato capiendo*, on the 25th of the Month called *August* 1707, and, after about nine Months Imprisonment, was discharged by a *Supersedeas* in the Month called *May* 1708.

The INCUMBENT's Discharge.

The Reverend Mr. *Walthall*, Vicar of *Leek*, mentioned in the *Quaker's Charge*,

died in the Year 1711. And I am assured from very credible Persons, who were well acquainted with Mr. *Walthall* and his Contests with the *Quakers*; that *Botbam*, *Blower*, and *Gratton*, mentioned in the *Quaker's* Charge, were prosecuted in the Ecclesiastical Court for *Easter-Reckonings* at the Suit of Mr. *Walthall*.—That the said Mr. *Walthall* in carrying on his Prosecution against them made some Mistake, (which from my little Acquaintance with such Affairs I cannot properly describe) upon which a Prohibition was granted out of one of the Courts of *Westminster* to put a Stop to the Proceedings, and the Charge of the Prosecution was all thrown upon Mr. *Walthall*, and that the aforesaid *Blower* was afterwards committed to *Stafford-Goal*. I am inclined to think this is a true Account, or very near it, because all that I have enquired of, who remember Mr. *Walthall* and his Struggles with the *Quakers*, agree in the same Relation of them.

Octob. 12. 1737.

JOHN DAINTRY,
Vicar of *Leek*.

*Extract of the Registry of the Court of
Lichfield.*

John Gratton, Widow *Botbam*, and *John Blower* of *Leek*, were sued in the Ecclesiastical Court for *Easter-Dues* at the Suit of the
Reverend

Reverend Mr. *Thomas Waltball* Clerk, then Vicar of *Leek*: The Proceedings were stopped against *Botham*, but regularly carried on to Sentence against *Gratton* and *Blower*; and a *Supersedeas* being afterwards obtained on behalf of *Gratton*, the Vicar dropt the whole Proceedings, lost his Dues, and paid his own Costs. It is true the Vicar in his Libel declared for a Smoke-Penny, *viz.* for every Messuage of 20 *l.* or upwards 1 *l.* For every unmarried Person putting up Smoke below Stairs or above 7 *d.* For every married Person putting up Smoke 9 *d.* And if two or three different Persons or Families under the same Roof put up each of them a several distinct Smoke 7 *d.* a piece; and for every Boarder or Tabler within the said Parish 2 *d.* a piece; and though the Vicar obtained Sentence upon the most legal Proofs, he was yet defeated both of Dues and Costs by reason of the aforementioned *Supersedeas*. And it is to be observed that *Leek* is a Market-Town and a large populous Parish of great Extent, and that the poor Vicar's whole Subsistence arose chiefly from such small Dues as are aforementioned, and that he did not make above 50 *l. per Annum* in the whole, and paid more than a Tenth to get them collected.

EDWARD SHORT, Chapter-Clerk.

1707. *John Blower* is charged with being sued at the Instance of the Reverend Mr. *Thomas Walthall* Vicar of *Leek*, but we suppose the Year is mistaken, for our Repertory gives no Account of the Proceedings.

EDWARD SHORT, Chapter-Clerk.

The QUAKER's Charge.

1704. *Thomas James* was prosecuted in the Ecclesiastical Court for Tythes at the Suit of *Thomas White* Vicar of *Langdon*.

Thomas James was committed to Prison by Warrant from two Justices, grounded on a Certificate out of the Bishop's Court at *Lichfield*.

The INCUMBENT's Discharge.

That *Thomas James* was certified to the Justices December 1. 1704, for his Contumacy in not appearing to a Citation returned against him in the Dean and Chapter's Court at *Lichfield*, at the Instance of *Thomas White* Vicar of *Longdon* [not *Langdon*] is all that appears from the Register of the Proceedings of the said Court relating to the Prosecution of the said *Thomas James*. The inclosed [here following] is the only attested Account I can procure of his Treatment consequent upon that Certificate. For the better understanding

standing of which he pleased to observe, that Mr. *White* was Prebendary of *Longdon*, and therefore the Right of Presentation to the Vicarage of *Longdon* was his; when it became vacant, he held it himself for some Years, and Mr. *Adey* was his Curate: Which Mr. *Adey* had some of the Glebe and the *Easter-Dues* as Part of his Salary, and the chief Management in collecting the Tythes &c. for Mr. *White* in his Absence, who had a Living [*Stratford at Bow*] near *London*, on which he was resident at the Time of *Thomas James's* Prosecution; which, though in the Name of Mr. *White*, yet as the Direction of Affairs in Mr. *White's* Absence was committed to Mr. *Adey*, it is to be attributed to and was conducted by him. This is the Reason why his Name frequently occurs in the inclosed Account.—I have endeavoured by all possible means to discover on what Conditions *Thomas James* was released from Prison; but, as the Person who was the chief Instrument in that Affair is long since dead, and his Children which are now alive, were at that Time (as we commonly say) out in the World, I have not been able to get any certain Knowledge of that Affair. Some are of Opinion that Mr. *Cope* was employed by Mr. *Adey* himself to persuade him to some Compliance; others that he did it at the Intreaty of *Thomas James's* Wife; but all that I have consulted are of Opinion that
the

the Affair was made up on Terms not the most favourable to Mr. *White's* or Mr. *Adey's* Pocket ; (whichsoever of them bore the Expence,) again, all agree that there was an Arrear of Tythes and Dues of many Years standing due from the said *Thomas James*, though now at this Distance of Time I cannot tell of what Number of Years or what Sum it amounted to, though I have made as strict Enquiry as I could here ; therefore I imagine, the *Quaker's* Charge is false, viz. That *Thomas James* was prosecuted for Tythes recoverable by the Act of 7. and 8. W. 3. For if the Sum did not exceed the Limitation in the Act mentioned, yet I conceive the Time did.—Complaint, according to that Act, must be made to the Justices within two Years after the Tythes become due.—Some of the Tythes had been due from *Thomas James* above two Years.—Were then those Tythes which had been due above two Years recoverable by Complaint to the Justices? How is the Vicar of *Longdon*, or the Curate in his Name, blameable for suing in the Ecclesiastical Court? All the Hardships then (if such they are) which *Thomas James* underwent, were owing to his invincible unreasonable Obstinacy, who, though living under the Protection of the Laws of the Land, would not by any Means be prevailed upon to submit himself to the Laws of the Land.—But suppose the Tythes recoverable by the said Act ; yet there does not appear

pear any Design of Oppression or Persecution in the Prosecutor.—His Forbearance for so many Years before the Prosecution, his great Unwillingness after that to have the Party imprisoned, and his Sollicitude for his Enlargement when he was imprisoned, are very strong presumptive Arguments against such a Supposition, and every impartial Man will rather attribute the Prosecution to Ignorance, or Mistake, or almost any thing else which may take off so heavy an Imputation from a Man, who had always the Character of an honest good-natured Man.

March 22. 1737.

JOHN WHITE,
Vicar of *Longdon*.

P. S. Mr. *White* has been dead about twenty-eight Years, and Mr. *Adey* about nineteen Years.

In the Year 1704 (as I believe, for I am not certain as to the particular Year) I *Henry Cope* was one of the Headboroughs of *Longdon*, and by virtue of a certain Paper from the Dean's Court at *Lichfield*, I took *Thomas James* a Quaker of the Parish of *Longdon* aforesaid before *Richard Pyott* of *Streethay* Esq; one of his Majesty's Justices of the Peace for the County of *Stafford*, calling to my Assistance *Thomas Gee* of the said Parish of *Longdon*. When we came to his House and told him our Business, he refused

go on foot and insisted on our hiring an Horse, which we accordingly did. When we came before the Justice, He [the Justice] did what he could to perswade him not to be obstinate, but to submit to pay his Dues either by himself or some Friend, that otherwise he should be obliged (though much against his Inclination) to commit him to Prison as the Law directed.—He obstinately refused to comply, returning very surly and insolent Answers.—Calling to refresh our selves in our Return through *Lichfield*, *Thomas James* got drunk in a most beastly manner; I got up behind him to support him, but before we had rode a Mile, while I quitted my Hold of him to direct the Horse which was going out of the Road, he fell, and I was obliged to call my Assistant who was at some Distance in the Foot-Road to remount him. We brought him with much ado to *Longdon-Green* to the House of the said *Thomas Gee*, where he remained all Night; I went home that Night, and returned the next Morning with a Design to proceed to *Stafford*, when I received an Order from Mr. *Adey*, the then Curate to Mr. *White* Vicar of *Longdon*, to give him leave (if he would accept it) to return to his Family for some Time; in Hopes that when he came to consider maturely what would be the Consequence of his Obstinacy, he would alter his Mind, to which we very earnestly perswaded

perswaded him; he very thankfully accepted the Offer, which made us conceive great Hopes that he would be willing to come to some Agreement. He promised at his Departure, that if I sent a Child only, he would be willing at any Time to attend me.—I heard no more of him till about ten Days after, when I received an Order from Mr. *Adey* to carry him to *Stafford*; I sent one of my Children to desire him to come to me, but he refused; I therefore being fearful least he should escape or conceal himself, got an Horse immediately, and went through a very violent Shower to his House; I found him at Home. There were a great Number of *Quakers* with him, all Strangers to me, who endeavoured to perswade me to grant him longer Time; I told them I durst not, I must do my Office; he then said he would go with me; I carried him on another Horse to the Jaylor's House, where he remained a Fortnight or three Weeks, and then was released, by what Means I cannot certainly tell, but have been told it was through the Mediation of Mr. *John Cope* a Neighbour of his; but on what Conditions I never heard.—I have never heard of any kind of Prosecution against any *Quaker* before this, and I am sure there has not been any since.

The above-written is strictly true.

Witness my Hand,

HENRY COPE.

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I *Thomas Gee* can attest the Truth of what is above-written, being an Eye and Ear Witness of it, till the said *Thomas James* was permitted to return for some Time to his Family as aforesaid, and have heard and believe the rest.

Witness my Hand,

March 17. 1737.

THOMAS GEE.

Extract of the Registry of the Court of Lichfield.

1704. *Thomas James* of *Longdon* was sued for Tythes in the Ecclesiastical Court of the Dean and Chapter of *Lichfield* at the Instance of the Reverend Mr. *Thomas White* the then Vicar, and upon *James's* refusing to give a common Appearance, even from the 17th of *November* 1704, to the 1st of *December* following, the Court decreed him to be certified to the Justices; but all this was done by the Court of the Dean and Chapter, and not of the Bishop.

EDWARD SHORT, Chapter-Clerk.

The QUAKER's Charge.

1716. *William Ball* of *Chesterfield* was prosecuted in the Ecclesiastical Court for Tythes,

Tythes, at the Suit of *Robert Grace* Vicar of *Shenston*.

William Ball was committed to Prison by a Warrant from two Justices, grounded on a Certificate out of the Ecclesiastical Court.

The INCUMBENT's Discharge.

From the Office at *Lichfield* I find, *Hilary Term* 5th Sess. 13th *March* 1715, That *Robert Grace* Vicar of *Shenston* returned a Citation against *William Ball* in a Cause of Tythes; upon his Non-appearance, a *Certificate* was decreed to be made to the Justices according to the Statute. Here the Proceedings of the Court stopped. That I might know the Consequence of this, I went to the most credible Persons in my Parish, that could recollect any Part of the Contest, and am told by them, that *William Ball* was committed to Prison by a Warrant grounded on the aforesaid Certificate, and that he was after some Time discharged; but how long after, or by what Means I cannot learn. However that was, the Widow of the Person who brought the Action in Mr. *Grace's* Name, tells me she believes (but does not positively say) that he [the Prosecutor] paid the Costs.

If one of those People can be more litigious than the rest, this *Ball* is said to have been so. For my Part, I neither knew him, nor any of his Family; and whatever the

Number

Number of *Quakers* may have been at that Time, I can now tell you with great Satisfaction, that I have but one Person in my Parish of their Opinion.

March 25. 1738.

JOHN LEIGH,
Vicar of *Shenston*.

*Extract from the Registry of the Court of
Lichfield.*

1716. *William Ball* of *Chesterfield* was sued in the Ecclesiastical Court for Tythes, due to the Reverend Mr. *Robert Grace*, Vicar of *Shenston*, and upon his refusing to give a common Appearance, the Court decreed him to be *certified* to the Justices.

EDWARD SHORT, Chapter-Clerk.

The QUAKER's Charge.

1728. *Moses Morris* was prosecuted in the Ecclesiastical Court for a Marriage-Fee.

The Discharge of the Same.

Though it be not here mentioned to what Parish *Moses Morris* belonged, or whether the Prosecution of him was carried on by the Minister or the Parish-Clerk, yet the following Account is taken out of the Ecclesiastical Court :

Court: viz. *Moses Morris* of *Rugely* was sued in the Dean and Chapter's Court of *Lichfield*, and not in the Bishop's, for Marriage-Fees due to the Reverend Mr. *Dugard* the then Vicar. The Cause was continued upon Libel, and Answers only from the 22d of *November* 1728 to the 20th of *June* 1729; and *Morris* was discharged, paying his own Costs, which were very small considering the Cause had pended seven Months.

EDWARD SHORT, Chapter-Clerk.

The QUAKER's Charge.

1732. *Allen England* of *Tamworth* was prosecuted in the Common Pleas for Tythes, at the Suit of *Thomas Malin*.

The INCUMBENT's Discharge.

I have been Minister here upwards of twelve Years and a half; Mr. *Antrobus* was my immediate Predecessor, Mr. *Collins* his, and Mr. *Langley* before them both; which three Gentlemen, as far as I can learn, continued successively Ministers here, about seventy Years altogether; and neither I, nor they, as far as I can inform myself, had ever any Trial with the *Quakers*, there being few of that Sect amongst us, and no manner of Tythes, neither Great nor Small, no not so much

much as *Easter-Dues*, belonging to the Minister here, though perhaps it is one of the greatest Cures in this Diocese; and so far was any Person, called *Malin*, from being Minister of *Tamworth*, that we never heard of a Clergyman of that Name; but still this, I apprehend, is the Abuse *Allen England* is guilty of, this the Cheat he would put upon the World. There is, after all, one *Thomas Malin* an Innholder, at the Sign of the *King's Arms* in this Town; who, as he tells me, and as I guessed before I sent for him, about that Time, 1732, did rent Part of the Prebendal Tythes of the late *William Finch*, Esq; of *Canal-Hall* in *Staffordshire*, then one of our Lay-Prebendaries or Impropiators here, in whose Tything *Allen England* lived; who not being willing to pay some Demand of Tythe, the foresaid Gentleman's Tenant, *Thomas Malin*, gets Mr. *Stuart*, an Attorney of *Birmingham*, to prosecute the *Quaker* above, for Non-payment of Tythe; which accordingly was done, and, as my Informer adds, they cast *England*. *Thomas Malin* could not remember so well, nor give that exact Account of the whole Affair, as I could have wish'd for, and therefore I wrote to his Attorney, Mr. *Stuart*, in *Birmingham*, [whose Answer here follows] if there is any thing more material in it to clear up this Affair; but so much, I believe, may certainly be depended upon in the mean time;

time ; viz. that neither I nor any other Clergyman was concerned in prosecuting the *Quaker*, but only Mr. *Stuart*, at the Request of *Thomas Malin*, a Publick-House-Keeper then, and Tenant also to one of our Lay-Impropiators or Prebendaries here, for Part of their Tythes.

Aug. 24, 1737.

ROBERT WILSON,
Minister of *Tamworth*.

I must acquaint you that one *John Malin* of *Tamworth*, Innholder, had been Tenant to Lord *Weymouth* some Years, as I understood, for Land and Tythes in and about that town; who dying 1731, left his Son *Thomas*, then a Smith or Toy-maker here, his sole Executor, and many Debts to pay: Among the Lists of *John Malin's* Debtors, I found one *Allen England*, a Man unknown to me, Debtor for the Tythe of a Close of Oats, about 15 Acres, lying in *Tamworth*, which he had, according to my Information, cut and carried away, without setting forth the Tythes, and which he did in a resolute and deliberate Manner, having first fixed two Posts with strong Rails or Bars cross the Gate-place of the Close, to prevent any Waggon or Carriage coming to take any Tythe away; I sent to him first to desire he would pay for the Tythes without Trouble, but could

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get

get no Answer; I then brought an Action at Law in the Court of Common-pleas, and Declared in the usual manner, first fixing the Tythes at 2 *l.* 10 *s.* 0 *d.* then as the Statute directs for treble Value; he pleaded to the Action, and his Attorney pretended his Client would stand Trial; I made up the Record, and got every thing ready for Trial; but a few Days before the Affizes, his Attorney sent word he would pay Debt and Charges, and accordingly paid me about 10 *l.* for Charges, and 40 Shillings for the Tythes; all which Expence he might have prevented, if he would have paid the poor Man the forty Shillings without trouble: The Tythes, as I was credibly informed, were worth fifty Shillings, although he paid but forty. This is what I can recollect of the Matter at present.

Aug. 25, 1737.

JOHN STUART,
Attorney in *Birmingham*.

I believe Mr. *Stuart's* whole Account to be right of the Law-suit with *Allen England*, at the Request of *Thomas Malin*, except where he makes *Malin* Tenant then to Lord *Weymouth* for Tythes; whereas *Thomas Malin* assures me now, that the Tythes he and his Father rented, belonged, as I sent an Account of before, to the late *William Finch*, Esq; of *Canal-Hall* in *Staffordshire*.

Sept. 14, 1737.

ROBERT WILSON,
Minister of *Tamworth*.
WARWICK.

WARWICKSHIRE.

The QUAKER'S Charge.

1697. *John Hawksford* and *Samuel Harper* were prosecuted in the Ecclesiastical Court for four Pence *per annum*, for three Years Tythes, at the Suit of *William Dagget*, Parson of *Birmingham*. *John Hawksford* was committed to Prison by a Warrant from Justices of the Peace, grounded on a Certificate out of the Ecclesiastical Court.

The INCUMBENT'S Discharge.

If all the three Years Tythes, as I apprehend, were not recoverable by the Act of King *William*, I think that is a sufficient Answer to their [the Quaker's] Charge against Mr. *Dagget*. As *Harper* was not imprisoned, nor is said in the Charge against Mr. *Dagget* to have suffered any other Punishment, I have made little Enquiry about him.--As to *Hawksford*, I am credibly informed, that the Cause of Action was not Tythes, of the yearly Value of four Pence, as is set forth ; but of the yearly Value of more than ten Shillings. Many of his Friends, who were convinced of the Legality of Mr. *Dagget's* Demand, would have advanced the Money,

ney, and stopped all Proceedings, but he refused all Offers of this sort, being resolved to suffer any Hardships (as he said) for Righteousness-sake. The Owner of the Land for which the Tythe was due, was one of the Justices who signed the Warrant for his Commitment to Goal. *Hawksford* seemed surprized that he should sign it, and asked him, if he sent him to Goal, how he could expect his Rent? After this the Suit was removed into some of the superior Courts, where the Justices Warrant was quash'd for want of Form, without any great Opposition on Mr. *Dagget's* part; upon which *Hawksford* was discharged, and this troublesome Affair dropped.

Oct. 18, 1737.

RICHARD DOVEY,
Rector of St. Martin's
Birmingham.

*Extract of the Registry of the Court of
Lichfield.*

John Hawksford and *Samuel Harper* were sued in the Ecclesiastical Court for Tythes, due to the Reverend Mr. *William Dagget*, then Rector of St. Martin's in *Birmingham*; and upon their refusing to give a common Appearance, Proceedings were discontinued against *Harper*, by reason of his Poverty,
but

but *Hawksford* was decreed to be *certified* to the Justices.

EDWARD SHORT, *Chapter-Clerk*.

The QUAKERS Charge.

1697. *Richard Bromley* of *Stratford upon Avon*, was prosecuted in the Ecclesiastical Court, at the Suit of ——— *Burman* of *Shottery*, Renter of Offering-Money and Smoke-Money.

Richard Bromley was prosecuted for about Twelve-pence demanded for Offering-Money and Smoke-Money, till the Charges came to about fourteen Pounds : But his Excommunication and Imprisonment were prevented by a Prohibition.

1700. *Richard Bromley* of *Stratford upon Avon* was prosecuted in the Exchequer, for five Pence demanded for three Year's Smoke-Money, Offering-Money, and Garden-Penny, at the Suit of the aforesaid *Burman Tythe-Farmer*.

The Discharge of the same.

Neither *Stratford upon Avon*, nor *Shottery*, are in the Diocese of *Lichfield*, but in that of *Worcester* ; and therefore all Account of this Affair shall be here omitted.

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The QUAKER'S Charge.

1700. *John Bush* of *Little Harborough* was prosecuted for Tythes, at the Suit of *Henry Walker*, Parson.

The INCUMBENT'S Discharge.

The great Tythes of *Little Harborough*, in the Parish of *Newbold super Avon*, since the Inclosure had been constantly paid till the Year 1689, when *John Bush*, a *Quaker*, [then Tenant to Sir *William Boughton* for part of that Estate] refusing to pay the same, Mr. *Henry Walker* [then Vicar] was forced to exhibit his Bill in the Court of Exchequer, and (the Cause coming to hearing) had the Decree of the said Court for the said Tythe.

N. B. This is a Paragraph taken out of a Writing left by the said Mr. *Walker* to his Successor, to inform him concerning the Rights of the Vicarage of *Newbold*, written with his own Hand. Witness,

April 14, 1738.

JAMES POWELL,
Curate of *Great Har-*
borough.

Extract

*Extract from the Registry of the Court of
Exchequer.*

WARWICKSHIRE.

N^o. 86. *Hilary Term, 11th King William 3d.* Henry Walker Clerk, Vicar of *Newbold* in the said County, exhibited his Bill against Sir *William Boughton*, Bart. *John Bush*, and three other Defendants, thereby charging, that the said Sir *William*, or the said *John Bush*, had for several Years last past, and particularly *John Bush* had for two Years last past, occupied seven Yard-Lands in the said Parish, for which the said Sir *William*, or the Occupier, by antient Composition with the Plaintiff's Predecessors, were to pay yearly for the Tythes arising thereon 2 *l.* 4 *s.* 6 *d.* for every Yard-Land except one. That the said *John Bush* had likewise for several Years last past, to wit, 1693,--94--95--96--97--98 and 1699, occupied several other Tythable Lands in the said Parish, for which there was due to the Plaintiff, as Vicar, the third Part of all *Easter*-Offerings, Oblations and Obventions, and that he kept in the said Parish eight Milch Cows, and 200 Sheep, and had yearly fallen 8 Calves, and had yeaned about 100 Lambs, and clipped about 200 Fleeces of Wool; each Calf worth about 12 *s.* each Fleece

Fleece worth about 4 s. the Tythes of Calves, Lambs, and Wool, worth about 50 l. yearly, and that he had had, and kept in the said Parish, several other Tythable Things yearly, worth 5 l. each Year.

There is no Answer to this Bill, therefore there could be no Determination ; but if the Defendant *John Bush* was sent to Goal, it must be on an Attachment, or some other Process of Contempt, for not putting in his Answer. Examined by,

April 25, 1738.

J. THOMSON,
Keeper of the Records
of the *Exchequer*.

1701. The Prosecution of *John Astley* of *Tanworth*, by *William Malins* Clerk, belongs to another Diocese, [*viz.* that of *Worcester*] and therefore the Charge and Discharge of it are here omitted.

The QUAKER's Charge.

1704. *Robert Arpe* was prosecuted in the Exchequer for a Demand of about 23 s. for Tythes, at the Suit of *Charles Wainwright* Priest.

*The Discharge of the same.**Extract of the Records of the Court of Exchequer.*

N^o. 16. Mich. 3^o Anne. Charles Wainwright Clerk, Vicar of Austrey Com. War. exhibited his Bill against Robert Erpe, [not Arpe] John Heyfield, Jane Robinson, and Richard Gadsby, setting forth, that he had been Inducted into the said Vicarage about 16 Years, and ought to have received the Tythes of Hay, and small Tythes; that the said Robert had yearly during all that time depastured within the said Parish 7 Milch Cows and 80 Sheep, had yearly fallen 5 Calves, and had yearly yeaned about 40 Lambs, and had yearly sheared 80 Fleeces of Wool, each Calf worth 2 s. 8 d. each Lamb 2 s. 6 d. and each Fleece 2 s. had during the said time yearly kept Hens and Bees, the Eggs, Honey and Wax, valued at 10 s. each Year, and that he had yearly several other Tythable Matters not above-mentioned, valued at 10 s. each Year for all the time aforesaid.

Above is the Substance of the Bill so far as it relates to Robert Erpe, to which there is no Answer, and therefore if the Defendant was further prosecuted or imprisoned, it must

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be for his Contempt in not Appearing to or Answering the said Bill.

JOHN THOMSON, Keeper of
the Records.

The QUAKER's Charge.

1705. *Jane Robinson* of *Austrey*, Widow, was prosecuted in the Exchequer for Tythes, at the Suit of *Charles Wainwright* Priest.

The Parson's Demand was for Tythes of Apples &c. 2 s. 8 d. and of Bees, 8 d. The poor Widow was committed to *Warwick-Goal*, and lay there about nine Months.

The INCUMBENT's Discharge.

The Distance of the Time having effaced the Memory of Particulars, the most that can be remember'd is, that an Ejectment was served on *Jane Robinson*, a *Quaker*, (whether in the Year mentioned in the Charge is uncertain) by the Order of Mr. *Wainwright*, the Incumbent of *Austrey* at that Time, since dead, and in Default of Appearance, she was committed, and continued in *Warwick-Goal* for some Time; but concerning the Consequence of it, no Information can be given by the Persons applied to.

N. B. In the Parish of *Monks-Kirby*, *Isaac Whitehead* a *Quaker* has been indebted to me
these

these nine Years (the whole Time I have been upon the Living) for small Tythes to the Value of 45 s. and has never had any Molestation from me, except that of regularly demanding them.

March 31. 1738.

J. KEY, Vicar of
Austrey.

*Extract from the Registry of the Court of
Exchequer.*

WARWICKSHIRE.

N^o. 16. A Bill was brought Mich. 3^o. *Anne* by *Charles Wainwright*, Vicar of *Austrey* Com. *War.* against *Jane Robinson* and three other Defendants for Tythe-Hay and all Sort of small Tythes for fourteen Years then last past; each Defendant therein was charged to have had yearly, besides their Tythe-Hay, seven Milch Cows, from which they had yearly five Calves, each Calf worth 2 s. 8 d. Eighty Sheep, from which they each had forty Lambs yearly, each Lamb worth 2 s. 6 d. and each Fleece of Wool worth 2 s. And all the other small Tythes not above-mentioned were valued at 10 s. from each Defendant in each Year.

There was no Answer to this Bill; so that if the Defendant was imprisoned, it must be on an Attachment or other Process of Con-

tempt for her Obstinacy in not putting in her Answer.

J. THOMSON, Keeper of the Records
of the *Exchequer*.

1707. *Stephen Scotten* and several others of *Coventry* were, in the *Quaker's Charge*, prosecuted for a *Church-Rate* at the Suit of the *Wardens*, and therefore the Discharge is here omitted, the said Prosecution not having been carried on by any *Clergyman* for Tythes, &c.

The QUAKER's Charge.

1707. *Joseph Palmer* of *Radway* was prosecuted for 9*l.* 4*s.* 4*d.* demanded for two Years Tythes, and put to about twenty Pounds Charges, but died, the Suit depending.

The INCUMBENT's Discharge.

If this Case, as stated, was suggested with an Intention to add to the Odium lately thrown upon the Parochial Clergy, the Charge is mere Calumny, and highly injurious to the Memory of my Predecessor Mr. *Hughes* the then Vicar of the Place, who during the Time that he was Incumbent, which was near thirty Years, was never known

known to have sued a *Quaker* in any of his Majesty's Courts. But when any of that Perswasion obstinately or clandestinely carried off the Tythes as soon as severed, he commonly made himself amends by taking from their Stock, what was judged by one or more of the Neighbours to be an Equivalent. And this Method I am forced to use with some few of them at present. That there was such a Person as *Joseph Palmer* living in *Radway* about the Year 1707, is very well remember'd by several of the Parishioners, as likewise that he was a Person of an obstinate litigious Temper, who when he came into the Possession of his Paternal Estate, refused to submit to the quiet Payment of his Tythes, though his Father had done it for many Years before him; and thereupon was sued, but not by the Vicar of *Radway*, as seems to be insinuated, but by Mr. *Smith* of *Northend* in the Parish of *Burton-Dasset*, the Lay-Impropiator of the great Tythes of that Parish; some Part of the Common-Field, and of the very Town of *Radway*, lying in the Parish and Tything of *Burton-Dasset*; and of which, I presume, *Joseph Palmer's* Estate was parcel. It cannot well be expected, considering the Length of Time since this happened, and the distance we are at from his Majesty's Courts, that the Parishioners should remember what was the Issue of this Suit, or what the Expences were, which *Palmer* brought upon himself

himself by this Means, as likewise whether he happened to die during the Prosecution; nor indeed do I think it at all material.

Sept. 5. 1737.

JOHN LANE,
Vicar of Radway.

It appears by a Letter of Mrs. *Elizabeth Smith*, dated *Northend*, June 3. 1738, that, by the best Information she could get, the said Suit was begun by her Father Mr. *Smith* a Lay-Impropiator, and not by any *Clergyman*; which Lay-Impropiator is dead, and the Tythes are now fallen into other Hands.

Extract of the Court of Exchequer.

No Bill was filed there against *Joseph Palmer*.

J. THOMSON, Keeper of the Records.

The QUAKERS Charge.

1714. *Sarah Moore* and *Mary Strank*, Servant-Maids, were prosecuted in the Ecclesiastical Court for *Easter-Offerings*, at the Suit of the Parson of the Parish of *Harbury*.

These poor Servants were obliged to take a Journey of near thirty Miles to appear at *Lichfield* according to their Citations: The
Parson's

Parson's Proctor, seeing them there, made no Return of the Process.

The INCUMBENT's Discharge.

I believe *Sarah Moore* and *Mary Strank* might be cited down to *Lichfield* for not paying their Offerings, and perhaps in the Year 1714; but it being so long since, I never did expect to hear any farther about it. I acknowledge that the two Persons above-named might go to *Lichfield*, and might be at some Expence in going there, but as for any Fees there were none paid, and as for Offerings I never received any from that Time to this of either of the Parties, though *Sarah Moore* lived several Years a Servant in the Parish, and is married at *Harbury* at this Time, and having examined her, she will attest the same; so that I hope this cannot be called any Persecution, but rather an Indulgence in suffering myself to be deprived of my Right for so many Years; and for the rest of the *Quakers*, I go on in the most gentle Method I can, by summoning them before two Justices of the Peace, according to the Directions of an Act of Parliament made for the more easy Recovery of small Tythes. There was no Return of the Process, and there was nothing done against them.

Sept. 12. 1737. WILLIAM CHARNLEY,
Vicar of *Harbury*.

The

The QUAKER's Charge.

1715. *John Bissel* of *Fulforth-Heath* was prosecuted in the Exchequer for Tythes, at the Suit of *Andrew Archer* Parson of *Solybull*.

John Bissell was prosecuted for a Demand of about 21*l.* for two Years great, and ten Years small Tythes: He was committed to Prison on the 28th of the Month called *January* 1715, and lay there about twenty Weeks.

The INCUMBENT's Discharge.

To the *Quaker's* Charge against Dr. *Archer* no more need be said than that a Debt of 21*l.* was not recoverable by the Acts made in the 7th and 8th Years of King *William* the Third. However, upon the best Enquiry I can make into the Case betwixt him and *John Bissell* the *Quaker*, I find that as the Doctor was a good-natured Man, so *John Bissell* was the direct contrary. The Doctor, as it appears, did for eight Years together do himself what Right he could as to the Great Tythes, though *Bissell* would not set them out, bearing with him all the while for his Substraction of the Small Tythes. Encouraged by this Forbearance of the Doctor, *Bissel* presumed for the two last Years to carry off

off the whole Crop. This was a Loss the Doctor could not bear, and thereupon prosecuted him in the Exchequer, because it lay not in the Power of the Justices of the Peace to do him right. *Edward Snape*, an aged Man and a *Quaker*, tells me that the Doctor was so far from bearing an ill Will to *Bissell*, that he rejoiced as much at *Bissell*'s Deliverance out of Prison as *Bissell* himself, and set him an Estate which he held to the Day of his Death. This Estate I am assured was that on which *Bissell* lived, and was bought by the Doctor, and *Bissell* was continued Tenant for the Prevention of future Differences.

Sept 7. 1737. EDWARD WELCHMAN,
Rector of *Solybull*.

Extract from the Court of Exchequer.

WARWICKSHIRE.

Nº. 9. A Bill was brought *Mich. 2º. Geo. 1st.* by *Andrew Archer D. D.* Rector of *Solybull*, Com. War. against *John Bissell* for great and small Tythes from the Year 1706 to 1715, both inclusive of the great Tythes valued at 10 *l.* one Year, another Year 4 *l.* some other Years at 40 *s.* and some at 20 *s.* a Year, and the Herbage-Tythes mostly at 40 *s.* a Year, except for a Year or two at 20 *s.* and all the

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other

other small Tythes at 10^l. for the whole Time.

There was no Answer to this Bill.

J. THOMSON, Keeper of the Records.

The QUAKER'S Charge.

1717. *Tobias Edwards* was prosecuted in the Exchequer, at the Suit of *Samuel Cart*, Tythe-Farmer.

Tobias Edwards was committed to *Warwick-Goal* on the 17th of the Month called *May* 1718, and died during his Imprisonment,

The INCUMBENT'S Discharge.

Tobias Edwards lived in the Borough of *Warwick*, and so was not bound to attend a Summons by Justices of the County, in which, and not in the Borough, the Tythes substracted did arise. Another Circumstance is, that *Edwards* menaced him [*i. e. S. Carte*, Tythe-Farmer] to sue him and some Workmen for a Trespass in taking away some Hay for Tythe due in a former Year. An Action of that Sort would lye, and be defenceless at Common-Law; so that he was under a Necessity of applying to the Court of Exchequer in order to obtain an Injunction to stay Suit at
Common

Law, which he apprehended was intended to be held as a Rod over his Head, in case he had taken any other Measure.

The Consequence was, that *Edwards* not answering, an Attachment issued, and as he lived within the Liberty of *Warwick*, he was taken to Goal there, but he was not confined as a close Prisoner; for whereas his House stood near the Brook which divides the Township of *Warwick* and *Tachbrook*, my Son [*i. e.* *S. Carte*, a Layman, Tythe-Farmer by Lease] himself saw him there in his Way to *Warwick*. The Process indeed continued upon him till his Death. He never answered, and the whole Tythe was lost.

Sept. 22. 1737.

SAMUEL CARTE,
Prebendary of *Tachbrooke*.

Tobias Edwards lived within the Liberty of the Borough of *Warwick* at *Ford-Mill* standing upon a small Stream or Brook called the *Lea*, which separates the Parish of *Tachbrook* from the Parish of *St. Nicholas* in *Warwick*. —The Church of *Tachbrook* is appropriated to a Prebend in the Cathedral-Church of *Lichfield*, which Prebend has usually been leased out by the Incumbents thereof. Some Time before the Death of the late Queen *Anne*, the Lease of the Prebend (then subsisting) became vested in Dame *Frances Bagott*, Wife of Sir *Edward Bagott* of *Blithfield* in

Staffordshire Baronet, who was also possessed of a large Estate in Land in the said Parish of *Tachbrook*, part of which (lying contiguous to the Brook *Lea*) was set to *Edwards* together with the Prebendal Tythes arising out of the Parcels set or leased to him.—On the Death of Lady *Bagott*, *Samuel Carte* became Tenant to the Prebend, and thereupon *Thomas Bodington* (the Bayliff to the *Bagott*-Family) informed *Carte* of the Contract with *Edwards* concerning the Tythes arising from the Parcels of his Farm, and *Carte* was willing to let *Edwards* enjoy his Tythes under the Rents which he had taken them at from Lady *Bagott*; in consequence of which *Bodington* paid to *Carte* the Rent payable for the Tythes for the Year 1714, for which *Carte* gave a Receipt to *Bodington*, but was afterwards informed that *Edwards* refused to reimburse *Bodington* for the same.

Thereupon *Carte* had recourse to *Edwards* personally, who (on Discourse with *Carte*) said to him, “ If thee hast more Right to the “ Tythe than I have, thee mayst come and “ take it,” or to that Effect; from whence *Carte* inferred a Liberty of taking in Kind any Tythe which might thereafter be payable for the Parcels in the Tenure of *Edwards*, and directed his Workmen and Servants to set out and inn the same, which they accordingly attempted, and *Edwards* or his Servants for some Time allowed of, at least did not contradict;

tradict; but at length the outward Gate to the Grounds of *Edwards* was locked, and the Tythe with-held, and *Carte* was given to understand that he and his Servants had been Trespassers upon *Edwards*, and as such was subject to an Action at his Suit. This was officiously notified to *Carte* in the Lane or High-Road leading to the Town of *Warwick* by a Brother of *Tobias Edwards* lying then at the *Ram-Alehouse* over against *Ford-Mill*. And *Carte* then thought, and still believes, it was designed as a Menace of a Suit in case he made any subsequent Attempt for obtaining his Tythes, and thereupon resolved to seek Redress in a legal Method; but previously to any Attempt for that Purpose, he particularly considered the Act of Parliament for enabling a Recovery of Tythes from *Quakers* before Justices of the Peace, and after such Consideration thought it doubtful at least whether he could obtain any Relief under such Act; the whole Parish of *Tachbrook* lying within, and being subject to, the Jurisdiction of the Justices for the County of *Warwick*, from which the Resiants in the Town and Liberty of *Warwick* were by Charter exempted, and Justices appointed for the Borough with a Power to hold Quarter-Sessions for the District thereof; for which Reason, and for avoiding the Effect of the Menaces, *Carte* filed his Bill in the Exchequer, thereby praying an Injunction to prevent a Suit upon the Trespass,

as

as also an Account for the Tythes with-held. To which Bill *Edwards* appeared, and a Copy thereof was taken for the Use of *Edwards*; but he refused, or at least neglected, to put in his Answer, for want of which an Attachment was issued as is usual in Cases of Contempt. *Edwards* was taken upon the Attachment, and refusing to give Bail thereto, the Sheriff's Officer carried him to the County-Goal. And *Carte* believes it may be true, that the Effect of the Attachment did continue in some Degree till the Death of *Edwards*; but he also believes, that notwithstanding the Attachment, *Edwards* was not strictly confined in Prison, *Carte* having had frequent Occasion of going from *Tachbrook* to *Warwick*, after the Attachment served upon *Edwards* as well as before, and by reason thereof he has sometimes seen *Edwards* at or near his Dwelling-House by *Ford-Mill*, without any Keeper; (for ought *Carte* could discover at the Times of seeing him.) However, *Carte* waved any Proceedings for an Order to have the Bill taken *Pro Confesso*, the Suit abated by the Death of *Edwards*, and *Carte* has never received any Satisfaction either for the Tythes with-held or for his Costs of Suit.

SAMUEL CARTE, Attorney.

Signed in the Presence of

JO. GRAY.

CHARLES F. GARACH. Feb. 1737.

There

There is no Record of the said Prosecution to be found now as filed in the Exchequer.

SAMUEL CARTE, Attorney.

The QUAKER'S Charge.

1724. *William Proud* was prosecuted in the Ecclesiastical Court for Tythes, at the Suit of *Edward Jackson*, Parson of the Parish of *Fellshill*. *William Proud* was excommunicated on or about the 27th of *December* 1724.

The INCUMBENT'S Discharge.

The Suit against *William Proud*, of the Parish of *Foleshill* [not *Fellshill*] in the County of the City of *Coventry*, was not commenced in the Ecclesiastical Court till Application had been *first* made to the Justices of the Peace for the said County, who *absolutely refused* to give the Vicar of the said Parish any Relief upon the Statute for the more easy Recovery of small Tythes, intimating withal, that the *Quakers* were their very good Friends upon *certain* Occasions. The said *William Proud* was excommunicated for obstinately refusing to appear to the said Suit; and thereupon a Writ *de*
excom-

excommunicato capiendo was issued out of his Majesty's High-Court of Chancery. The said Vicar, having waited sometime in hopes of Satisfaction for his Tythes unjustly substracted, did not imprison the said *William Proud*, but sat down with the loss of all his Tythes, as well as Expences, which together amounted to the value of ten Pounds. Witness my Hand,

1737.

EDWARD JACKSON,
Vicar [*not Parson or Rector*]
of *Folehill*.

*Extract from the Registry of the Court of
Lichfield.*

William Proud was sued in the Ecclesiastical Court at *Lichfield* for Tythes due to the Reverend Mr. *Edward Jackson* Clerk, Vicar of *Folehill*; and upon his refusing to give a common Appearance, even from the 3d of *November*, to the first of *December* following, he was decreed excommunicate, and a Writ *de excommunicato capiendo* was afterwards procured against him; but the Borough-Justices of *Coventry* refusing to grant their Warrant, Mr. *Jackson* was obliged to pay all his own Costs, and lose his Tythes.

EDWARD SHORT, *Chapter-Clerk.*

The

The QUAKER'S Charge.

1726. *Francis Bradford* of *Kingsbury* was prosecuted in the Exchequer for Tythes, at the Suit of *James Sherman* Parson of *Higham* in the County of *Leicester*.

N. B. Though the Prosecution of *Francis Bradford* the Quaker by Mr. *Sherman*, was for Tythes in the Parish of *Higham* in *Leicestershire*, and therefore not in the Diocese of *Lichfield*, yet since the said Quaker was of *Kingsbury* in the Diocese of *Lichfield*, and since Mr. *Sherman* is likewise Minister of *Weddington*, a neighbouring Parish in the Diocese of *Lichfield*; and again, since the said Mr. *Sherman* has been desirous that the Account of his Prosecution of *F. Bradford* should be published; it is thought proper, in consequence of the general Design of these Papers, viz. the Vindication of the Parochial Clergy, to annex as follows

The INCUMBENT'S Discharge.

The manner of my Proceedings with *Francis Bradford* cannot, I hope, be thought either unjust, unreasonable, or severe, so as to be cause of just Complaint. The Case was

H

thus

thus ; after some Years Forbearance with him for Tythes due to me, and after Application to him several times in the most fair and friendly manner I could contrive for the Payment of the same to no purpose, I was forced to prefer a Bill in the Court of Exchequer, amongst others, for the Recovery of them. Sometime after these Proceedings against him he came to me, and told me he could not in conscience pay the Money under the Notion of Tythes, but it might be that he might give as good a thing ; (which to my best remembrance were his own words) he cried to me, and complained that I persecuted his Conscience ; which moved me so far as to consent to leave the Payment of my Tythe to him, whether he would pay me or not in any way, if he would pay the Cost of Law-Charges that I had been at, which he promised to do, and went away with great Joy and Satisfaction, and thankful Acknowledgment of my great Kindness to him therein. But in a few Days after, he sent his Son to acquaint me, that upon second thoughts he could not in conscience pay the Law-Charges, which he thought would be as bad as paying the Tythe ; and then finding that he began to grow thus upon me, and being unwilling to lose my Debt and Charges too, I proceeded against him, and recovered both in some measure, as most Law-suits are attended with some loss, as mine was, had I had my just
Dues

Dues without Trouble and Charge. This you will not think any severe Proceeding with him, since I had no other way to recover the just Rights of the Church, of which I am but a Steward for the time being ; and as the Providence of God had placed me in that Station, I thought it was required of me to be faithful in this Affair.

Sept. 13, 1737.

JAMES SHERMAN,
Minister of *Higham* in *Leicestershire*, and of *Weddington*
in *Warwickshire*.

Extraet from the Court of the Exchequer.

Leicest. N^o. 53. A Bill was brought *Mich. 12 Geo. 1st.* by *James Sherman* Rector of *Higham Com. Leicest.* against *Francis Bradford*, and five other Defendants, who are generally charged to have been Occupiers of Lands, and to have had great and small Tythes in the said Parish from *January 1719*, to the filing of the Bill, and there is a particular Charge on Defendant *Bradford* for the great and small Tythes arising from *Mich. 1723*, to *Lady-day 1724*, on *Rowden-Farm*, occupied by him for that time, containing 160 Acres, eighty Acres whereof are Pasture ; great and small Tythes were demanded from each Defendant from *January 1719*, being the time of the Death of the last In-

cumbent, to the time of filing the Bill, but no Value was set on the Tythes.

No Answer was put in to this Bill.

J. THOMSON, Keeper of the Records.

1727. What is said of the Prosecution of *Samuel Overton*, at the Suit of *George Hammond*, Rector of *Hampton Lucy*, belongs to another Diocese, namely, that of *Worcester*, and therefore the Charge and Discharge are here omitted.

1727. What is said of the Prosecution of *Elizabeth Lucas* Widow, at the Suit of *George Hammond*, Rector of *Hampton-Lucy*, belongs to another Diocese, namely, that of *Worcester*, and therefore the Charge and Discharge are here omitted.

1735. And the Prosecution of *John Bradford* of *Kingbury*, at the Suit of the Wardens, was for Church-Rates, and not for Tythes, and therefore the Charge and Discharge are here omitted.

T H E
C O N C L U S I O N.

HAVING thus finished my Enquiries into all the Prosecutions of the *Quakers* by *Clergymen* in the Diocese of *Lichfield* and *Coventry*, for forty Years together, that have been publickly complained of by those of that Sect, as far as the Facts alledged, during so great a Retrospect, are capable of being examined, either by Answers returned from the several Incumbents concerned, if living; or from their Successors, though with some Disadvantage in point of Information both of Motives and Facts, at such a Distance of Time; or from the Keepers of the Records now extant in the Ecclesiastical, Exchequer, and other Courts, relating to Suits for Demands recoverable by the *Acts* of the 7th and 8th of King *William III.* for the more easy Recovery of *Tithes*, &c. it is highly proper, if not necessary, to state the Result of the whole Enquiry, which will clearly arise from the following Calculation.

In the Diocese of <i>Lichfield</i> and <i>Coventry</i> there are about four hundred	}	400
Cures of Souls, viz. Rectories, Vi-		
carages, Perpetual Curacies, and		
Chapelries.		
=====		
		The

The *Quaker*-Prosecutions complained of
 in the Counties belonging in whole or
 in part to the said Diocese are thirty. } 30

Out of which are to be deducted the
 following Prosecutions, as not car-
 ried on by *Clergymen* of the said
 Diocese, but by Others; *viz.* Tythe-
 Farmers. _____ 5
 Church-Wardens, for Church-Rates. _____ 5
 Parish-Clerks, for Wages. _____ 3
 A Lay-Impropiator. _____ 1
 Several Persons complained of in the
 same Counties who do not belong to
 the Diocese of *Lichfield* but to other
 Dioceses. _____ 4
 18

There therefore remain twelve Prosecu-
 tions to be considered as charged on } 12
 the *Clergy* of the said Diocese. _____

Which from the foregoing Enquiries
 are to be thus accounted for. *viz.*

Suits for Tythes and Dues not cogniza-
 ble by Justices of the Peace, with
 regard either to Value or Length of
 Time, according to the *Acts* of the
 7th and 8th of King *William III.* } 5*

* See p. 38, 41, 43, 48, 58.

Doubtful whether cognizable by Justices or not. ————— } 3*

Though cognizable by Justices, yet absolutely refused to be determined by them, upon due Application to them. } 1†

Cases cognizable by Justices, in which other Courts were legally applied to. } 3||

12

From this Computation it appears, that only *three* Prosecutions of the *Quakers* are clearly chargeable on the *Clergy* of the Diocese of *Lichfield* and *Coventry*, for the Space of forty Years, as carried on in other Courts, when the *Clergy* might possibly have recovered their Rights by Application to Justices of the Peace.

And here Equity requires that it be considered, in the way of Alleviation and Abatement of these and other Charges of the *Quakers* on the *Clergy*, that several *Clergymen* of the said Diocese have used great Indulgence to and Forbearance with the *Quakers* for many Years together; that several of them have made no Application at all to any Courts whatsoever, nor filed any Bill in them, for the Recovery of their Rights; and that several of them, who properly began to vindicate their Rights in different Courts, by filing

* See p. 23, 29, 35.

† See p. 55.

|| See p. 21, 30, 47.

Bills in them, have carried their Prosecutions no farther, but dropped their Pretensions rather than be seemingly severe, and for Peace-sake acquiesced in the loss of their Tythes, and sometimes paid their own Costs. A considerable Number of Instances of the self-denying Kind might be specified in this *Examination*, which are more than a Balance to the *Quakers* Complaints of the *Clergy* in this Diocese, even though the three Cases that appear *doubtful*, namely, for want of more Evidence, were added to the other three that possibly were cognizable by Justices of the Peace, agreeably to the *Acts* of the 7th and 8th of King *William* III. But since the foregoing *Examination* is reduced to so small a Compass, and therefore is easily consulted by any competent Reader, I rather chuse to * refer him to the particular Facts here examined, for the Use of his own Judgment on the several Charges and Discharges as compared together, than to tire him with a long Deduction of them. And I doubt not but, upon a Review of these Papers, all unprejudiced Persons will bring in their *Verdict* in favour of the *Clergy* of the Diocese of *Lichfield* and *Coventry*, as wrongfully accused of repeated Vexation and Oppression by the *Quakers*, and as honourably *acquitted* upon an impartial Tryal.

* See p. 43, 47, 58, and elsewhere.

